

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAVIER HUERTA, ID # 31257-177,

Petitioner,

v.

DAVID BERKEBILE, Warden,

Respondent.

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Civil Action No. **3:09-CV-008-L**

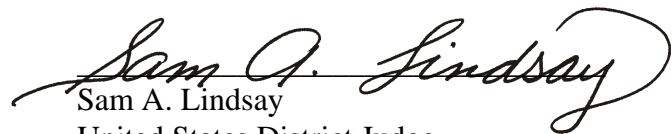
ORDER

Before the court is Huerta's Petition for Writ of Habeas Corpus, filed January 5, 2009. Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Irma C. Ramirez, and on January 7, 2009, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2241. Petitioner challenges the denial of his request for early release under 18 U.S.C. § 3621(e) and the validity of Program Statement 5162.04. The magistrate judge found that the Bureau of Prisons properly denied Petitioner early release under 18 U.S.C. § 3621(e) by applying Program Statement 5162.04 and that the program statement was valid.

Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court, and the court **dismisses with prejudice** the writ of habeas corpus.

It is so ordered this 30th day of January, 2009.


Sam A. Lindsay
United States District Judge